

1 [Counsel set forth on signature page]

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

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11 IN RE FLASH MEMORY ANTITRUST
12 LITIGATION

No. C07-00086 SBA

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14 **STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE AS TO
SAMSUNG SEMICONDUCTOR, INC.
AND SAMSUNG ELECTRONICS
COMPANY, LTD. PURSUANT TO FED.
R. CIV. PROC. 41(a)(2)**

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16 This document Relates to:

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ALL INDIRECT PURCHASER ACTIONS

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Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs Keith Alderman, Peter Burke, James Burt, California Coast Investigative Services, Anthony Cardinale, Michael Chek, Alva Dee Cravens, Peter DeChristopher, Donna Fahner, Eric Ferguson, Donna Jeanne Flanagan, Ina Fryer, Fred Gentile, Stuart Go, Sandra Green, Dan Harrison, Thomas Y. Huh, James Knowles, Fred W. Krahmer, Harold Moore, Martha Mulvey, Joanne Myles, Thomas Nigro, Carman Pellitteri, Travis Richardson, Richard Chris Rippel, Ryan Skorstad, Lynn Sweatman, and Joseph Theisen, (collectively “Indirect-Purchaser Plaintiffs”) and defendants Samsung Semiconductor, Inc. (“SSI”) and Samsung Electronics Corporation, Ltd. (“SEC”) (with Indirect-Purchaser Plaintiffs, SSI and SEC as, collectively, “The Stipulating Parties”) by and through their counsel hereby stipulate as follows:

1. On May 1, 2009, the Indirect-Purchaser Plaintiffs filed a First Amended Consolidated Class Action Complaint against SSI and SEC in the above-entitled action.¹

2. The Stipulating Parties have reached a confidential settlement of all claims asserted by Plaintiffs against SSI and SEC in the above-entitled action, in which SSI and SEC have denied any liability or wrongdoing.

3. In furtherance of the confidential settlement, the Stipulating Parties agree that all claims asserted by Plaintiffs against SSI and SEC in the above-entitled action shall be dismissed with prejudice, with Plaintiffs and SSI and SEC each bearing their own costs and attorneys’ fees and SSI and SEC shall no longer be parties in this action.²

IT IS SO STIPULATED.

¹ Plaintiffs Keith Alderman, Fred Gentile, James Knowles, Fred W. Krahmer, Carman Pellitteri, Ryan Skorstad, and Lynn Sweatman, had previously filed complaints against SSI and SEC but were not included as named plaintiffs in the First Consolidated Class Action Complaint.

² The confidential settlement also includes the following plaintiffs, who dismissed their claims with prejudice as to all defendants on April 25, 2012 (Dkt. 764): Jacob Greenwell, Sarah Hecht, Jean McClellan-Chambers, Jamac Enterprises, Robin McEntee, Trong Nguyen, Jason Perkins, Travis Weibe, Joshua Steele, Benjamin Northway, Lindsey Morgan, Kelly Fahner, George Davis, Andrew Kindt, Tristen Woods, and Jai Paguirigan.

1 DATED: November 9, 2012.

COTCHETT, PITRE & McCARTHY, LLP

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By: /s/ Steven N. Williams
Steven N. Williams

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*Co-Lead Counsel for Indirect Purchaser
Plaintiffs*

6 DATED: November 9, 2012.

ZELLE HOFMANN
VOELBEL & MASON LLP

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By: /s/ Christopher T. Micheletti
Christopher T. Micheletti

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*Co-Lead Counsel for Indirect Purchaser
Plaintiffs*

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DATED: November 9, 2012.

LATHAM & WATKINS

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By: /s/ Harold Barza
Harold Barza

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*Counsel for Samsung Semiconductor, Inc.
and Samsung Electronics Company, Ltd.*

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ATTESTATION PURSUANT TO GENERAL ORDER 45

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Pursuant to General Order No. 45, § X(B), regarding signatures, I attest that the concurrence in the filing of this document has been obtained from its signatories.

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Dated: November 9, 2012

By: /s/ Steven N. Williams
Steven N. Williams

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STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL WITH PREJUDICE OF PLAINTIFFS' CLAIMS SAMSUNG SEMICONDUCTOR, INC. AND SAMSUNG ELECTRONICS COMPANY, LTD. (Case No. 07-0086-SBA)

ORDER

For the reasons set forth in the above stipulation, and good cause appearing therefore, it is hereby ORDERED as follows:

1. All claims asserted by Plaintiffs against Samsung Semiconductor, Inc. (“SSI”) and Samsung Electronics Company, Ltd. (“SEC”) in the above-entitled action or any of its associated actions are hereby DISMISSED WITH PREJUDICE, with Plaintiffs and SSI and SEC each bearing their own costs and attorneys’ fees.

2. SSI and SEC shall no longer be parties in this action.

IT IS SO ORDERED.

DATED: 12/13/12

Laurene B. Gronström

Saundra Brown Armstrong
United States District Judge